

Group III. Claims 18-20, drawn to a method of producing a polymer gel electrolyte composition, classified in class 429, subclass 300.

In the November 4, 2004 Restriction Requirement, the Examiner alleged the inventions are distinct, each from the other. The Examiner stated that inventions II and III are unrelated. The Examiner further stated that inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. The Examiner also stated that in the instant case the different inventions are not disclosed as capable of use together and have different effects such that Invention III claims a method of producing a polymer gel electrolyte composition comprising applying a reaction mixture comprising a non-crosslinked polymer added with a crosslinking monomer to a substrate in which the reaction mixture is impregnated into the porous thin film versus Invention II in which the polymer gel electrolyte does not require a substrate.

However, the Examiner acknowledged that inventions I and II, III are related as process of making and product made. The Examiner stated that the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other materially different product or (2) that the product as claimed can be made by another and materially different process. The Examiner further stated that in the instant case, the product as claimed can be made by another and materially different process such as the two methods of Inventions II and III.

The Examiner stated that because these inventions are allegedly distinct for the reasons given and have acquired a separate

status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The Examiner advised Applicants that for the response to this requirement to be complete the response must include an election of the invention to be examined even though the requirement be traversed.

Applicants hereby elect, with traverse, to prosecute the invention of Group I, claims 1-10 and 21, drawn to a polymer gel electrolyte composition and an electrochemical device.

Applicants, however, respectfully request that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The inventions of Groups I and II, III are not independent. Under M.P.E.P. §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. The invention of Group I, drawn to a polymer gel electrolyte composition, is related to the inventions of Group II and Group III, which are drawn to a method of producing a polymer gel electrolyte composition. Specifically, as the Examiner admitted, the Groups are related as process of making and product made. Applicants therefore maintain that the Groups are not independent and restriction is improper.

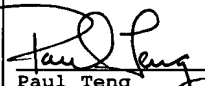
Applicants further maintain that it would not be a serious burden on the Examiner if restriction is not required, because a search


of the prior art for Group I, drawn to a polymer gel electrolyte composition would necessarily identify art for Group II and/or Group III, drawn to a method of producing a polymer gel electrolyte composition of Group I. Applicants therefore maintain that the search and examination of the claims of Groups II and II in addition to the claims of Group I would not be a serious burden on the Examiner. Since there is no burden on the Examiner to examine Groups I, II and III of the subject application, the Examiner should examine the inventions of Groups I, II and III on the merits.

Accordingly, in view of the preceding remarks, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Paul Teng Reg. No. 40,837	<u>December 3, 2004</u> Date


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